

**ASSEMBLY BILL**

**No. 83**

**Introduced by Assembly Member Corbett**

January 6, 2003

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An act to add Section 111197 to the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

AB 83, as introduced, Corbett. Drinking water: consumer confidence reports.

Existing law, the Sherman Food, Drug, and Cosmetic Law, contains various provisions regarding the packaging, labeling, and advertising of food, drugs, and cosmetics. Existing law also provides for the licensure and regulation by the State Department of Health Services of specified persons engaged in certain activities relating to bottled water. Violation of any of these provisions is a crime.

This bill would require each water bottler, water vendor, water hauler, and retail water facility to prepare and distribute an annual consumer confidence report containing specified information to its respective customers. The bill would provide that each bottled water facility, water vending machine, and retail water facility shall be subject to annual inspections by the department, and would permit the department to make unannounced inspections of those facilities to determine compliance with statutory requirements.

The bill would also, commencing July 1, 2004, require each water bottling plant, water vending machine owner, water hauler, retail water facility, private water source operator, and bottled water distributor to reimburse the department, at a specified hourly rate, for costs incurred for certain inspection and enforcement activities.

Since a violation of the bill would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Published reports indicate that nearly 70 percent of all
- 4 Californians consume some or all of their drinking water from
- 5 bottled water sources.
- 6 (b) The general public perception is that bottled water and
- 7 vended water products are safer, or are of higher quality, than tap
- 8 water. However, the water quality standards for bottled water are,
- 9 for the most part, no more stringent than for tap water.
- 10 (c) While bottled water, vended water, and tap water are subject
- 11 to similar water quality standards, bottled water and vended water
- 12 are regulated as food products and are not subject to many of the
- 13 statutory protections for consumers that apply to drinking water
- 14 supplied by public water systems.
- 15 (d) Bottled water products are not subject to water quality
- 16 “right to know” consumer reporting requirements such as
- 17 consumer confidence report requirements that apply to tap water,
- 18 resulting in a lack of reliable and credible information for
- 19 consumers concerning the contents of bottled water and vended
- 20 water products.
- 21 (e) The existing levels of fees for the bottled water regulatory
- 22 program are not sufficient to completely fund rigorous oversight
- 23 of bottled water and vended water products, when compared to
- 24 funding that is generated by drinking water program regulatory
- 25 fees paid by public water systems.
- 26 (f) Legislation is necessary to improve consumer protection
- 27 and eliminate the double standards regarding the water quality



1 “right to know” consumer reporting requirements and regulatory  
2 oversight of bottled water products versus the regulation of tap  
3 water.

4 SEC. 2. Section 111197 is added to the Health and Safety  
5 Code, to read:

6 111197. (a) Each water bottler, water vendor, water hauler,  
7 and retail water facility shall prepare and distribute an annual  
8 consumer confidence report to its customers that is substantially  
9 the same as the consumer confidence report prepared and  
10 distributed annually by public water systems pursuant to Section  
11 116470. This annual consumer confidence report shall include, but  
12 not be limited to, all of the following:

13 (1) Source of the bottled, vended, or hauled water.

14 (2) Identification of any regulated contaminants detected in the  
15 source of the bottled or vended water during the past year.

16 (3) The level of the contaminant detected and the  
17 corresponding maximum contaminant level.

18 (4) Any violations of the maximum contaminant level that have  
19 occurred and a brief and plainly worded statement of health  
20 concerns that resulted in the regulation of the contaminant.

21 (b) Each bottled water facility, water vending machine, and  
22 retail water facility shall be subject to annual inspections by the  
23 department, and the department may make unannounced  
24 inspections of those facilities, to determine compliance with this  
25 article. In carrying out this authority, the department may, at any  
26 reasonable hour of the day, do any of the following:

27 (1) Enter and inspect any bottled water or vended water facility  
28 or any place where bottled water or vended water records are  
29 stored, kept, or maintained.

30 (2) Inspect and copy any records, reports, test results, or other  
31 information required to carry out this article.

32 (3) Set up and maintain monitoring equipment for purposes of  
33 assessing compliance with this article.

34 (4) Obtain samples of the water supply.

35 (c) In addition to the annual license fees set forth in Section  
36 111130, commencing July 1, 2004, each water bottling plant,  
37 water vending machine owner, water hauler, retail water facility,  
38 private water source operator, and bottled water distributor shall  
39 reimburse the department for the actual costs incurred by the  
40 department in conducting the activities provided for in this article

1 and Article 2 (commencing with Section 110140) of Chapter 2  
2 relating to inspections, monitoring, surveillance, and water quality  
3 evaluation. For the first year, reimbursement to the department  
4 shall be in the amount of eighty-six dollars (\$86) per hour,  
5 consistent with the hourly cost rate imposed on public water  
6 systems pursuant to Section 116565. In subsequent years, the  
7 department shall annually adjust the hourly cost rate to ensure that  
8 the amount of reimbursement shall be sufficient to pay, but in no  
9 event exceed, the department's actual cost in conducting these  
10 activities.

11 SEC. 3. No reimbursement is required by this act pursuant to  
12 Section 6 of Article XIII B of the California Constitution because  
13 the only costs that may be incurred by a local agency or school  
14 district will be incurred because this act creates a new crime or  
15 infraction, eliminates a crime or infraction, or changes the penalty  
16 for a crime or infraction, within the meaning of Section 17556 of  
17 the Government Code, or changes the definition of a crime within  
18 the meaning of Section 6 of Article XIII B of the California  
19 Constitution.

